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8	BEFORE THE BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Accusation Against:	Case No. 2010 - 92
	BRENDA SUE PETERSEN, AKA	
12	BRENDA SUE WILSON PETERSEN, AKA BRENDA PETERSEN	ACCUSATION
13	P.O. Box 6973 Los Osos, California 93412	
14	Registered Nurse License No. 550865	
15	Respondent.	
16		
17	Complainant alleges:	
18	<u>PARTIES</u>	
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her	
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),	
21	Department of Consumer Affairs.	
22	Registered Nurse License	
23	2. On or about December 31, 1998, the Board issued Registered Nurse License Number	
24	550865 to Brenda Sue Petersen, also known as Brenda Sue Wilson Petersen, and Brenda Petersen	
25	("Respondent"). The registered nurse license was in full force and effect at all times relevant to	
26	the charges brought herein and expired on February 28, 2006.	
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28	///	

Accusation

STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.
- 6. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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BACKGROUND

8. Between August 2002, and December 2004, Respondent was employed by Central Coast Laser Center, San Luis Obispo, California, providing diode laser hair removal treatments under the supervision of the owner of the facility, Jeff MeMoine, who fraudulently represented himself as a registered nurse. Following the receipt of a complaint from N.W., the Department of Consumer Affairs began an investigation of the facility.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. Respondent is subject to discipline under Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that between August 2002, through December 2004, while on duty as a registered nurse at the Central Coast Laser Center, Respondent committed acts constituting gross negligence, as defined in California Code of Regulations, title 16, section 1442, by performing diode laser hair removal treatments without a supervising physician and in the absence of standardized procedures.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

10. Respondent is subject to discipline under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, in that between August 2002, through December 2004, while on duty as a registered nurse at the Central Coast Laser Center, Respondent committed acts constituting unprofessional conduct, as more particularly set forth in paragraph 9, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

Revoking or suspending Registered Nurse License Number 550865, issued to Brenda
 Sue Petersen, also known as Brenda Sue Wilson Petersen, and Brenda Petersen;